DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Delisting of the Santa Barbara Song Sparrow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to remove the Santa Barbara song sparrow (Melospiza melodia graminea) from Endangered status. This action is being taken because the bird has become extinct. It formerly occurred only on Santa Barbara Island, Los Angeles County, California.

DATE: All comments must be received by November 8, 1982.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Regional Director (ARD/FA); U.S. Fish and Wildlife Service; 700 N.E. Multnomah Street, Suite 550; Portland, Oregon 97232 (503/231-6131).

FOR FURTHER INFORMATION CONTACT:

Mr. Sanford R. Wilbur; Senior Staff Specialist; Endangered Species Program; U.S. Fish and Wildlife Service; 500 N.E. Multnomah Street; Portland, Oregon 97232 (503/231-6131).

SUPPLEMENTARY INFORMATION:
Background. The Santa Barbara song

sparrow, although confined to one island only 2.6 km² in size, was formerly extremely abundant. Removal of native vegetation for farming and by introduced domestic goats and rabbits reduced the habitat for this species. Feral house cats probably became significant predators once dense vegetation was destroyed. Nevertheless, the species was able to maintain high numbers on certain portions of the island until a major fire in 1959 destroyed much of the remaining habitat for the sparrow. The fire was so intense that two-thirds of the island was denuded down to mineral soil. Despite regular visits to Santa Barbara Island by ornithologists in the years following the fire, including intensive surveys for this bird in 1974 and 1978, no Santa Barbara song sparrows have been seen in over 20 years. The island is easily surveyed, so it is certain that the species has not been overlooked (Stewart et al., 1974).

The Santa Barbara song sparrow was classified as Endangered on June 4, 1973 (38 FR 14678). No Critical Habitat was designated. This action will merely acknowledge the species' extinction and remove it from protection under the Endangered Species Act of 1973, as amended.

The proposed rulemaking will not have a negative effect on information collection, recordkeeping, or on small business entities. Instead, it will eliminate existing permit requirements that are no longer utilized or needed. The Department has determined that it is not a major rule as defined by Executive Order 12291; nor will it have a significant economic effect on a substantial number of small entities as described by the Regulatory Flexibility Act. This conclusion is premised on the fact that the absence of the bird for the last 20 years has generated little, if any, Section 10 permit paperwork activity and has had no economic impact under Section 7 of the Act.

The regulations at 50 CFR 424.11(d) state that a species may be delisted if it: (1) Becomes extinct, (2) recovers, or (3) if the original classification data were in error. A "sufficient period of time" must be allowed to clearly insure that a species has become extinct. The Service believes that 20 years of checking for this species on a small island is clearly sufficient to pronounce it extinct.

Effect of the Proposal if Published as a Final Rule

The proposal merely acknowledges that the Santa Barbara song sparrow has become extinct. As there were no specific preservation or management programs for the species in effect, there will be no impact on any agency or individuals.

Public Comments Solicited

The Service intends that any rule finally adopted will be as accurate and effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning this proposed rule are hereby solicited. The principal information that would affect this rulemaking is evidence that the species is not extinct, or that insufficient action has been taken to assure that it is extinct.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Portland Office: 700 N.E. Multnomah Street, Suite 550; Portland, Oregon, and may be examined by appointment during normal business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969 (40 CFR Parts 1500–1508).

Literature Cited

Stewart, R. M., J. Smail, W. C. Clow, and R. P. Henderson. 1974. The Status of the Song Sparrow and Berwick's Wren on San Clemente Island and Santa Barbara Island, California. Report to U.S. Fish and Wildlife Service, from Point Reyes Bird Observatory, Bolinas, California.

Primary Author

The primary author of this proposed rule is: Sanford R. Wilbur, U.S. Fish and Wildlife Service (ARD/FA), 500 N.E. Multnomah Street, Portland, Oregon 97232 (503/231–6131).

List of Subjects in 50 CFR Part 17

Endangered and Threatened Wildlife, Fish, Marine Mammals, Plants (agriculture).

Regulations Promulgation

§ 17.11 [Amended]

It is proposed to amend 50 CFR 17.11(h) by deleting the Santa Barbara song sparrow (*Melospiza melodia graminea*) from the "List of Endangered and Threatened Wildlife."

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Dated: July 12, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks

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